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293/008 Cont.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

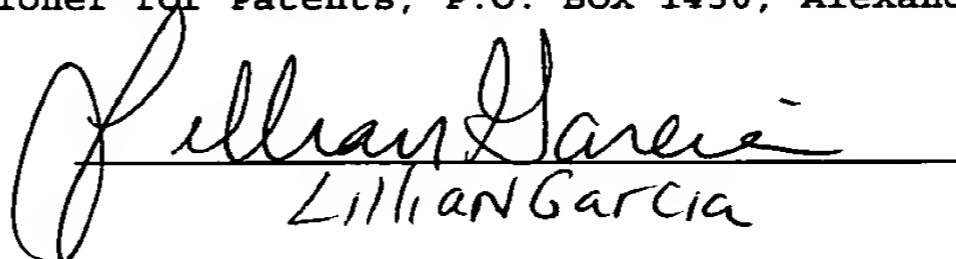
Applicants : Thomas J. Bachinski et al.
Application No. : 09/406,575 Confirmation No. : 1763
Filed : September 24, 1999
For : MEDICAL GRAFTING CONNECTORS AND FASTENERS
Group Art Unit : 3738
Examiner : Paul B. Prebilic

EXPRESS MAIL CERTIFICATION

Express Mail mailing label number: EV615582238US

Date of Deposit: February 8, 2005

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Lillian Garcia

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [X] a Notice of Appeal; [X] a Supplemental Communication Regarding Applicants' Notification Pursuant to 37 C.F.R. §1.604(b) Identifying Published Patent Applications From Which Claims Have Been Copied; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'L FEES
Total Claims	366	399*		X \$ 18 =	\$0.00
Independent Claims	22	25**		X \$ 86 =	\$0.00
First Presentation of a Multiple Dependent Claim				+ \$290 =	\$0.00
* If less than 20, insert 20. ** If less than 3, insert 3.				TOTAL	\$0.00

☐ A check in the amount of \$_____ in payment of the filing fee is transmitted herewith.

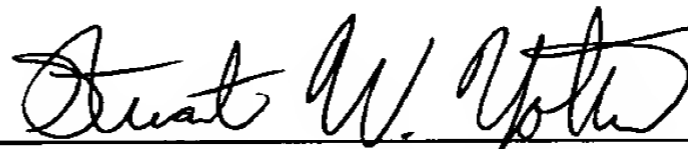
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §§ 1.16 and 1.17, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

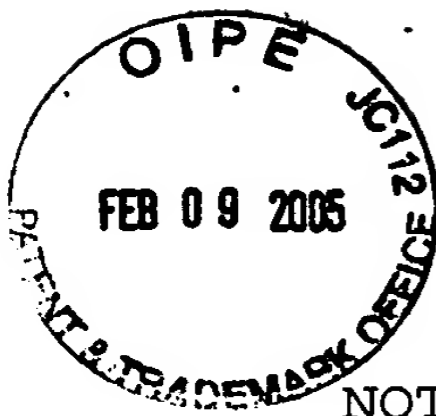
- [X] The following extension is applicable to the Response filed herewith; [X] \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- [X] A check in the amount of [X] \$120.00; [] \$450.00; [] \$1,020.00; [] \$1,590.00; [] \$2,160.00 in payment of the extension fee is transmitted herewith.
- [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



Stuart W. Yothers
Registration No. 53,816
Agent for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer Number 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090



EXPRESS MAIL LABEL NO. EV615582238US
293/008 Cont.

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re : Thomas J. Bachinski et al.
application of
Application No. : 09/406,575 Confirmation No. : 1763
Filed : September 24, 1999
For : MEDICAL GRAFTING CONNECTORS AND
FASTENERS
Group Art Unit : 3738
Examiner : Paul B. Prebilic

New York, New York 10020
February 8, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Appeals
from the decision of the Primary Examiner mailed
October 8, 2004 in which the rejection of claims 44-75,
87, 89-94, and 144-147 was made final.

[] Applicants respectfully request an oral hearing
before the Board of Appeals. The appropriate fee is
submitted herewith.

[X] An additional one-month extension of time to respond
to the final rejection is requested and the
appropriate extension fee is submitted herewith.

[X] Address all correspondence to:

02/11/2005 MAHMEI 00000045 09406575

01 FC:1401

500.00 OP


Stuart W. Yothers
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

- [X] A check in the amount of \$500.00 in payment of the appeal fee is enclosed.
- [X] The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

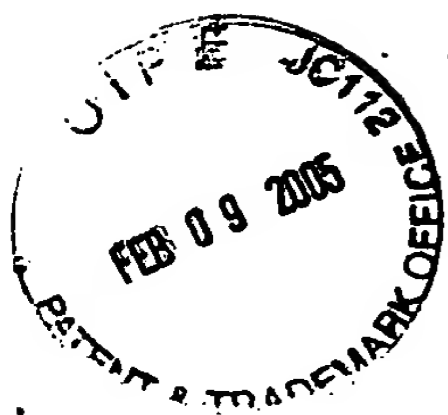
EXTENSION FEE

- [X] The following extension fee is applicable to the Notice of Appeal filed herewith; [X] \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a)(1); [] \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a)(2); [] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a)(3); [] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a)(4); [] \$2,160.00 extension fee for fifth month pursuant to 37 C.F.R. 1.136(a)(5).
- [X] A check in the amount of [X] \$120.00; [] \$450.00; [] \$1,020.00; [] \$1,590.00; [] \$2,160.00; in payment of the extension fee is transmitted herewith.
- [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,


Stuart W. Yothers
Registration No. 53,816
Agent for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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New York, New York 10020
February 8, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL COMMUNICATION REGARDING APPLICANTS'
NOTIFICATION PURSUANT TO 37 C.F.R. § 1.604(b)
IDENTIFYING PUBLISHED PATENT APPLICATIONS FROM
WHICH CLAIMS HAVE BEEN COPIED

Sir:

Pursuant to 37 C.F.R. § 1.604(b), applicants have presented claims known to define the same patentable invention claimed in a pending application of another, and applicants hereby identify the U.S. patent application publications corresponding to the international applications from which the claims have been copied.

<u>Applicants'</u> <u>Claim No.</u>	<u>Int'l</u> <u>Pub. No.</u>	<u>U.S. Pub. No.</u>	<u>Pub. Int'l</u> <u>Claim No.</u>	<u>Pub. US</u> <u>Claim No.</u>
25	WO 01/70091	US 2004/0097973	16	16
26	WO 01/70091	US 2004/0097973	53+57	53+57
27	WO 01/70118	US 2003/0060876	1+6	1+6
28	WO 01/70118	US 2003/0060876	1+8	1+8
29	WO 01/70118	US 2003/0060876	10	10
30	WO 01/41623	not yet known	1	
31	WO 01/41623	not yet known	2	

<u>Applicants'</u> <u>Claim No.</u>	<u>Int'l</u> <u>Pub. No.</u>	<u>U.S. Pub. No.</u>	<u>Pub. Int'l</u> <u>Claim No.</u>	<u>Pub. US</u> <u>Claim No.</u>
32	WO 01/41623	not yet known	8	
33	WO 01/41623	not yet known	10	
34	WO 01/41623	not yet known	12	
35	WO 01/41623	not yet known	13	
36	WO 01/41623	not yet known	14	
37	WO 01/41623	not yet known	15	
38	WO 01/41623	not yet known	21	
39	WO 01/41623	not yet known	22	
40	WO 01/41623	not yet known	23	
41	WO 01/41623	not yet known	24	
42	WO 01/41623	not yet known	25	
43	WO 01/41623	not yet known	26	
44	WO 99/62415	not yet known	3	
45	WO 99/62415	not yet known	5	
46	WO 99/62415	not yet known	6	
47	WO 99/62415	not yet known	7	
48	WO 99/62415	not yet known	8	
49	WO 99/62415	not yet known	9	
50	WO 99/62415	not yet known	10	
51	WO 99/62415	not yet known	11	
52	WO 99/62415	not yet known	12	
53	WO 99/62415	not yet known	13	
54	WO 99/62415	not yet known	14	
55	WO 99/62415	not yet known	24	
56	WO 99/62415	not yet known	28	
57	WO 99/62415	not yet known	48	
58	WO 99/62415	not yet known	49	
59	WO 99/62415	not yet known	77	
60	WO 99/62415	not yet known	78	
61	WO 99/62415	not yet known	79	
62	WO 99/62415	not yet known	83	
63	WO 99/62415	not yet known	101	
64	WO 99/62415	not yet known	103	
65	WO 99/62415	not yet known	104	
66	WO 99/62415	not yet known	105	
67	WO 99/62415	not yet known	106	
68	WO 99/62415	not yet known	107	
69	WO 99/62415	not yet known	108	
70	WO 99/62415	not yet known	109	
71	WO 99/62415	not yet known	110	
72	WO 99/62415	not yet known	111	
73	WO 99/62415	not yet known	112	
74	WO 99/62415	not yet known	113	
75	WO 99/62415	not yet known	114	
76	WO 99/62415	not yet known	115	
77	WO 99/62415	not yet known	116	
78	WO 99/62415	not yet known	117	
79	WO 99/62415	not yet known	118	
80	WO 99/62415	not yet known	119	

<u>Applicants'</u> <u>Claim No.</u>	<u>Int'l</u> <u>Pub. No.</u>	<u>U.S. Pub. No.</u>	<u>Pub. Int'l</u> <u>Claim No.</u>	<u>Pub. US</u> <u>Claim No.</u>
81	WO 99/62415	not yet known	120	
82	WO 99/62415	not yet known	121	
83	WO 99/62415	not yet known	122	
84	WO 99/62415	not yet known	125	
85	WO 99/62415	not yet known	126	
86	WO 99/62415	not yet known	127	
87	WO 99/62415	not yet known	128	
88	WO 99/62415	not yet known	129	
89	WO 99/62415	not yet known	130	
90	WO 99/62415	not yet known	131	
91	WO 99/62415	not yet known	132	
92	WO 99/62415	not yet known	133	
93	WO 99/62415	not yet known	134	
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95	WO 99/62415	not yet known	140	
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97	WO 99/62415	not yet known	177	
98	WO 99/62415	not yet known	178	
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104	WO 99/62415	not yet known	188	
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113	WO 99/62415	not yet known	211	
114	WO 99/62415	not yet known	212	
115	WO 99/62415	not yet known	213	
116	WO 99/62415	not yet known	214	
117	WO 99/62415	not yet known	215	
118	WO 99/62408	not yet known	1	
119	WO 99/62408	not yet known	2	
120	WO 99/62408	not yet known	3	
121	WO 99/62408	not yet known	10	
122	WO 99/62408	not yet known	11	
123	WO 99/62408	not yet known	12	
124	WO 99/62408	not yet known	13	
125	WO 99/62408	not yet known	14	
126	WO 99/62408	not yet known	15	
127	WO 99/62408	not yet known	16	
128	WO 99/62408	not yet known	17	
129	WO 99/62408	not yet known	18	

<u>Applicants'</u> <u>Claim No.</u>	<u>Int'l</u> <u>Pub. No.</u>	<u>U.S. Pub. No.</u>	<u>Pub. Int'l</u> <u>Claim No.</u>	<u>Pub. US</u> <u>Claim No.</u>
130	WO 99/62408	not yet known	19	
131	WO 99/62408	not yet known	20	
132	WO 99/62408	not yet known	21	
133	WO 99/62408	not yet known	22	
134	WO 99/62408	not yet known	25	
135	WO 99/62408	not yet known	26	
136	WO 99/62408	not yet known	27	
137	WO 99/62408	not yet known	28	
138	WO 00/56226	not yet known	42	
139	WO 00/56226	not yet known	43	
140	WO 00/56226	not yet known	65	
141	WO 00/56226	not yet known	66	
142	WO 00/56223	not yet known	21	
143	WO 00/56223	not yet known	23	
144	WO 02/30172	US 2004/0092975	1	1
145	WO 02/30172	US 2004/0092975	2	2
146	WO 02/30172	US 2004/0092975	3	3
147	WO 02/30172	US 2004/0092975	5	5

Consideration of the foregoing is hereby
respectfully requested.

Respectfully submitted,



Stuart W. Yothers
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